

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JUAN MATIAS TORRES,

No. C 12-06224 YGR (PR)

Petitioner,

**ORDER DENYING SECOND MOTION
FOR APPOINTMENT OF COUNSEL**

v.

RALPH M. DIAZ, Acting Warden,

Respondent.

Petitioner, a state prisoner, filed a *pro se* petition for a writ of habeas corpus. The Court directed Respondent to file an answer to the petition and granted Petitioner leave to file a traverse. On June 19, 2013, Respondent filed an answer. In an Order dated July 10, 2013, the Court denied Petitioner's "Motion to Grant Petitioner Confidential Calls as Pro Per" and, on its own motion, granted Petitioner an extension of time to file his traverse. (Docket No. 13.)

Before the Court is Petitioner's second motion for appointment of counsel to represent him in this action. (Docket No. 14.) The Court previously denied Petitioner's first request for appointment of counsel. (Docket No. 4.)

At this time, Court still finds that appointment of counsel is not warranted in this case. The Sixth Amendment right to counsel does not apply in habeas corpus actions. *See Knaubert v. Goldsmith*, 791 F.2d 722, 728 (9th Cir. 1986). Title 18 U.S.C. § 3006A(a)(2)(B), however, authorizes a district court to appoint counsel to represent a habeas petitioner whenever "the court determines that the interests of justice so require" and such person is financially unable to obtain representation. The decision to appoint counsel is within the discretion of the district court. *See Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986); *Knaubert*, 791 F.2d at 728; *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir. 1984). Here, Petitioner's claims are typical claims that arise in criminal appeals and are not especially complex. This is not an exceptional case, therefore, that would warrant representation on federal habeas review. Accordingly, Petitioner's second motion for appointment of counsel (Docket No. 14) is DENIED.

Pursuant to the Court's July 10, 2013 Order, Petitioner shall file his traverse no later than **September 20, 2013. No further extensions of time will be granted absent extraordinary circumstances.**

This Order terminates Docket no. 14.

IT IS SO ORDERED.

DATED: July 24, 2013



YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE